

The Honorable Lauren King  
United States District Court Judge

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

WASHINGTON ELECTION INTEGRITY  
COALITION UNITED, a Washington State  
Nonprofit Corporation; DOUG BASLER;  
HOWARD FERGUSON; DIANA BASS;  
TIMOFEY SAMOYLENKO; MARY  
HALLOWELL; SAMANTHA BUCARI;  
RONALD STEWART; LYDIA ZIBIN;  
CATHERINE DODSON,

Plaintiffs,

v.

JULIE WISE, Directory of King County  
Elections; KING COUNTY, and DOES  
1-30, inclusive,

Defendants.

No. 2:21-cv-01394-RAJ

**SUPPLEMENTAL AUTHORITY  
IN SUPPORT OF DEFENDANTS'  
MOTION TO DISMISS**

Pursuant to Fed. R. Civ. P. 7 and LCR 7(n), Defendants Wise and King County submit as  
relevant authority Washington Laws of 2022, Ch. 140, effective March 24, 2022, attached.

1 DATED this 6<sup>th</sup> day of April, 2022.

2 DANIEL T. SATTERBERG  
3 King County Prosecuting Attorney

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23

**CERTIFICATE OF SERVICE**

I hereby certify that on April 6, 2022, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF E-filing system which will send notification of such filing to the following:

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And I hereby certify that I sent a copy of the document via US Postal service to the following:

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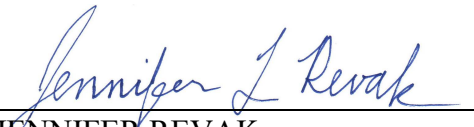
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I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 6<sup>th</sup> day of April, 2022.

  
JENNIFER REVAK  
Legal Secretary – Litigation Section  
King County Prosecuting Attorney's Office

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1953**

Chapter 140, Laws of 2022

67th Legislature  
2022 Regular Session

BALLOTS—SENSITIVE VOTER INFORMATION—DISCLOSURE

EFFECTIVE DATE: March 24, 2022

Passed by the House February 9, 2022  
Yeas 69 Nays 26

\_\_\_\_\_  
LAURIE JINKINS

**Speaker of the House of  
Representatives**

Passed by the Senate March 2, 2022  
Yeas 38 Nays 10

\_\_\_\_\_  
DENNY HECK

**President of the Senate**

Approved March 24, 2022 8:59 AM

\_\_\_\_\_  
JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1953** as passed by the House of Representatives and the Senate on the dates hereon set forth.

\_\_\_\_\_  
BERNARD DEAN

**Chief Clerk**

FILED

March 24, 2022

**Secretary of State  
State of Washington**

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HOUSE BILL 1953

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Passed Legislature - 2022 Regular Session

State of Washington

67th Legislature

2022 Regular Session

By Representatives Valdez, Volz, Sutherland, and Ramel; by request of Secretary of State

Read first time 01/12/22. Referred to Committee on State Government & Tribal Relations.

1 AN ACT Relating to exempting sensitive voter information on  
2 ballot return envelopes, ballot declarations, and signature  
3 correction forms from public disclosure; amending RCW 42.56.420;  
4 adding a new section to chapter 29A.04 RCW; creating a new section;  
5 and declaring an emergency.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 42.56.420 and 2021 c 26 s 1 are each amended to read  
8 as follows:

9 The following information relating to security is exempt from  
10 disclosure under this chapter:

11 (1) Those portions of records assembled, prepared, or maintained  
12 to prevent, mitigate, or respond to criminal terrorist acts, which  
13 are acts that significantly disrupt the conduct of government or of  
14 the general civilian population of the state or the United States and  
15 that manifest an extreme indifference to human life, the public  
16 disclosure of which would have a substantial likelihood of  
17 threatening public safety, consisting of:

18 (a) Specific and unique vulnerability assessments or specific and  
19 unique response or deployment plans, including compiled underlying  
20 data collected in preparation of or essential to the assessments, or  
21 to the response or deployment plans; and

1 (b) Records not subject to public disclosure under federal law  
2 that are shared by federal or international agencies, and information  
3 prepared from national security briefings provided to state or local  
4 government officials related to domestic preparedness for acts of  
5 terrorism;

6 (2) Those portions of records containing specific and unique  
7 vulnerability assessments or specific and unique emergency and escape  
8 response plans at a city, county, or state adult or juvenile  
9 correctional facility, or secure facility for persons civilly  
10 confined under chapter 71.09 RCW, the public disclosure of which  
11 would have a substantial likelihood of threatening the security of a  
12 city, county, or state adult or juvenile correctional facility,  
13 secure facility for persons civilly confined under chapter 71.09 RCW,  
14 or any individual's safety;

15 (3) Information compiled by school districts or schools in the  
16 development of their comprehensive safe school plans under RCW  
17 28A.320.125, to the extent that they identify specific  
18 vulnerabilities of school districts and each individual school;

19 (4) Information regarding the public and private infrastructure  
20 and security of computer and telecommunications networks, consisting  
21 of security passwords, security access codes and programs, access  
22 codes for secure software applications, security and service recovery  
23 plans, security risk assessments, and security test results to the  
24 extent that they identify specific system vulnerabilities, and other  
25 such information the release of which may increase risk to the  
26 confidentiality, integrity, or availability of security, information  
27 technology infrastructure, or assets;

28 (5) The system security and emergency preparedness plan required  
29 under RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170,  
30 and 81.112.180;

31 (6) Personally identifiable information of employees, and other  
32 security information, of a private cloud service provider that has  
33 entered into a criminal justice information services agreement as  
34 contemplated by the United States department of justice criminal  
35 justice information services security policy, as authorized by 28  
36 C.F.R. Part 20; and

37 (7) (a) In addition to the information in subsection (4) of this  
38 section, the following related to election security:

39 ~~((a))~~ (i) The continuity of operations plan for election  
40 operations and any security audits, security risk assessments, or

1 security test results, relating to physical security or cybersecurity  
 2 of election operations or infrastructure. These records are exempt  
 3 from disclosure in their entirety; ((and))

4 (ii) Those portions of records containing information about  
 5 election infrastructure, election security, or potential threats to  
 6 election security, the public disclosure of which may increase risk  
 7 to the integrity of election operations or infrastructure; and

8 (iii) Voter signatures on ballot return envelopes, ballot  
 9 declarations, and signature correction forms, including the original  
 10 documents, copies, and electronic images; and a voter's phone number  
 11 and email address contained on ballot return envelopes, ballot  
 12 declarations, or signature correction forms. The secretary of state,  
 13 by rule, may authorize in-person inspection of unredacted ballot  
 14 return envelopes, ballot declarations, and signature correction forms  
 15 in accordance with section 2 of this act.

16 (b) The exemptions specified in (a) of this subsection do not  
 17 include information or records pertaining to security breaches,  
 18 except as prohibited from disclosure pursuant to RCW 29A.12.200.

19 (c) The exemptions specified in (a) of this subsection do not  
 20 prohibit an audit authorized or required under Title 29A RCW from  
 21 being conducted.

22 NEW SECTION. Sec. 2. A new section is added to chapter 29A.04  
 23 RCW to read as follows:

24 (1) In accordance with RCW 42.56.420, the following are exempt  
 25 from disclosure:

26 (a) Voter signatures on ballot return envelopes, ballot  
 27 declarations, and signature correction forms, including the original  
 28 documents, copies, and electronic images; and

29 (b) A voter's phone number and email address contained on ballot  
 30 return envelopes, ballot declarations, or signature correction forms.

31 (2) The secretary of state may, by rule, authorize in-person  
 32 inspection of unredacted ballot return envelopes, ballot  
 33 declarations, and signature correction forms. Except as provided  
 34 under subsection (3) of this section, a person may not photocopy,  
 35 photograph, or otherwise reproduce an image of the ballot return  
 36 envelope, ballot declaration, or signature correction form. When  
 37 inspecting a ballot return envelope, ballot declaration, or signature  
 38 correction form in person, a person may not carry with them any  
 39 materials or devices that could be used to record any voter



1 information found on the ballot return envelope, ballot declaration,  
2 or signature correction form.

3 (3) Nothing in this section or RCW 42.56.420(7)(a)(iii) prevents  
4 disclosure of any information on ballot return envelopes, ballot  
5 declarations, or signature correction forms, other than a voter's  
6 signature, phone numbers, and email addresses. Nothing in this  
7 section prevents election officials from disclosing information  
8 listed in subsection (1) of this section for official purposes. The  
9 secretary of state may adopt rules identifying official purposes for  
10 which a voter's signature, phone numbers, and email addresses may be  
11 disclosed.

12 (4) For purposes of this section, "signature correction form"  
13 means any form submitted by a voter for the purpose of curing a  
14 missing or mismatched signature on a ballot declaration or otherwise  
15 updating the voter signature.

16 NEW SECTION. **Sec. 3.** The exemptions in sections 1 and 2 of this  
17 act apply to any public records request made prior to the effective  
18 date of this section for which disclosure of records has not already  
19 been completed.

20 NEW SECTION. **Sec. 4.** This act is necessary for the immediate  
21 preservation of the public peace, health, or safety, or support of  
22 the state government and its existing public institutions, and takes  
23 effect immediately.

Passed by the House February 9, 2022.  
Passed by the Senate March 2, 2022.  
Approved by the Governor March 24, 2022.  
Filed in Office of Secretary of State March 24, 2022.

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